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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
CASE NO. 5:21-cv-0137-FL

360 VIRTUAL DRONE SERVICES LLC and)
MICHAEL JONES,)
Plaintiff,)
v.)
ANDREW L. RITTER, in his official)
capacity as Executive Director of the)
North Carolina Board of Examiners for)
Engineers and Surveyors; and JOHN M.)
LOGSDON, JONATHAN S.' CARE, DENNIS K.)
HOYLE, RICHARD M. BENTON, CARL M.)
ELLINGTON, JR, CEDRIC D. FAIRBANKS,)
BRENDA L. MOORE, CAROL SALLOUM, and)
ANDREW G. ZOUTWELLE, in their official)
capacities as members of the North)
Carolina Board of Examiners for)
Engineers and Surveyors,)
Defendants.)
)

REMOTE DEPOSITION OF
MICHAEL RUDOLPH JONES 30(b)(6)
Zoom Videoconference
02/22/2022
10:01 a.m. (EST)

REPORTED BY: AMANDA GORRONO, CLR
CLR NO. 052005-01

DIGITAL EVIDENCE GROUP
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Washington, D.C. 20036
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Page 2

1 02/22/2022

2 10:01 a.m. (EST)

3

4 REMOTE DEPOSITION OF MICHAEL RUDOLPH JONES,
5 held virtually via Zoom Videoconferencing, before
6 Amanda Gorrono, Certified Live Note Reporter, and
7 Notary Public of the State of New York.

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1 A P P E A R A N C E S

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1 MICHAEL RUDOLPH JONES, called as a witness,
2 having been first duly sworn by a Notary Public
3 of the State of New York, was examined and
4 testified as follows:

5 THE WITNESS: Yes, ma'am.

6 THE COURT REPORTER: Thank you.

7 Can you please state your name and
8 address for the record.

9 THE WITNESS: Michael Rudolph Jones.

10 Address is 4971 Wayne Memorial Drive,
11 Goldsboro 27534.

12 EXAMINATION

13 BY MR. HANNA:

14 Q. Mr. Jones, good morning.

15 A. Good morning.

16 Q. My name is Doug Hanna and I
17 represent the defendants in this case, which I
18 will collectively refer to as the Board. And
19 it's a lawsuit that was filed by you in the
20 Eastern District of North Carolina. It was a
21 lawsuit that's entitled Complaint for Declaratory
22 and Injunctive Relief.

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3 A. Yes, sir, I am.

4 Q. Okay. And you're here today on
5 behalf of 360 Virtual Drone Services LLC?

6 A. Yes, sir.

7 Q. And just for the record, do you have
8 a copy of the Complaint in front of you?

9 A. Yes, I do.

10 Q. Okay. Great. And I'm going to
11 share my screen with you if I can figure this
12 out.

13 A. Great. Thank you.

14 (Whereupon, Exhibit 1, Re-Notice of
15 Rule 30(b)(6) Deposition of Plaintiff 360
16 Virtual Drone Services LLC, was marked for
17 identification.)

18 Q. And if that worked, do you see a
19 document called "Re-notice of Rule 30(b)(6)
20 Deposition"?

21 A. I do, yes, sir.

22 9. And we're here today to take the

Page 8

1 corporate deposition of Virtual Drone Services
2 LLC.

5 A. Yes, sir. I have it right here.

6 Q. Okay. And on that notice, you'll
7 see where I have asked "Plaintiff 360 Virtual
8 Drone Services LLC to designate one or more
9 officers, members, managing agents, or other
10 persons to testify on its behalf on each of
11 the" -- on each of the 13 topics listed in this
12 Deposition Notice.

14 A. Yes, sir, I am the only person.

15 Q. Okay. All right. And are you the
16 100 percent owner of 360 Virtual Drone Services

17 A. Yes, sir, I am.

18 Q. And that is a limited liability
19 company formed in North Carolina?

20 A. Yes, sir, it is.

21 Q. And you're the single managing
22 member of that LLC?

Page 9

1 A. Yes, sir.

2 Q. All right. And you started that
3 company, I believe you formed it on or about
4 October 16, 2017?

5 A. Yes, sir, that sounds about right.

6 Q. And just for the judge, just to go
7 through a little bit of a timeline here, but you
8 operated and provided services under that LLC for
9 a couple of years before you received a letter
10 from the North Carolina Board of Examiners for
11 Engineers and Surveyors, correct?

12 A. Yes, sir.

13 Q. And then just going through the
14 timeline, it looks like you received a letter
15 dated December 19, 2018 notifying you of an
16 investigation, correct?

17 A. Yes, sir.

18 Q. And that you provided -- we'll look
19 through the documents here shortly -- but you
20 provided an E-mail response in January to the
21 Board?

22 A. Yes, sir.

Page 10

1 Q. And you were interviewed by the
2 investigator in February of 2019?

3 A. William Casey, yes, sir.

4 Q. And in June of 2019, you received a
5 letter from the Board that you attached as an
6 exhibit to the Complaint, correct?

7 A. Yes, sir.

8 Q. All right. So I'm going to share my
9 screen and show you a copy of the Complaint.

10 Do you see that on the screen?

11 A. Yes, sir, I do.

12 Q. And is that the same Complaint that
13 you have in front of you?

14 A. Yes, it is.

15 (Whereupon, Exhibit 2, Complaint for
16 Declaratory and Injunctive Relief, was marked
17 for identification.)

18 Q. And if I move down to Page 6 of your
19 Complaint, you have a section at the bottom,
20 "Regulation of Land Surveying in North Carolina."

21 Do you see that?

22 A. Yes, sir, I do.

Page 11

1 Q. And based on that, you're familiar
2 the, with the Act that's identified as 89C?

3 A. I'm familiar with, yes, as far as it
4 being on this paper. I don't have the ins and
5 outs of all of that.

6 Q. Understood.

7 And your Complaint -- this is your
8 Complaint, right?

9 A. Okay. Yes, ma'am -- yes, sir. I'm
10 sorry.

11 Q. And your Complaint quotes from the
12 Act and I think in specifically on Paragraph 40
13 which is on Page 8, do you see where your
14 Complaint talks about the "practice of land
15 surveying" and how the Act defines the practice
16 of land surveying?

17 A. What number does that start on,
18 Mr. Doug? 40? Right there?

19 Q. Yes, sir.

20 A. Yes, sir, I do. Thank you.

21 Q. Okay. And one of the items that is
22 listed here in your Complaint when you look at

Page 12

1 Page 9 --

2 A. Okay.

3 Q. -- so it's Paragraph 40,
4 Subparagraph 5, and the definition as you've
5 indicated here from the statute, the definition
6 of land surveying includes, "determining the
7 configuration or contour of the earth's surface
8 or the position of fixed objects on the earth's
9 surface by measuring lines and angles and
10 applying the principles of mathematics or
11 photogrammetry."

12 Do you see that?

13 A. Yes, sir.

14 Q. Okay. And your company, 360 Virtual
15 Drone Services, prior to receiving any type of
16 letter from the Board, had you ever provided any
17 services in the field of photogrammetry?

18 A. No, not for paying customers. I
19 tried to pitch it to customers for a future
20 service, but nobody bought into it.

21 Q. Did you -- do you know what -- what
22 is photogrammetry?

Page 13

1 A. Photogrammetry is being able to make
2 orthomaps of the earth by having multiple
3 pictures stitched together to create one large
4 picture or map. That's the way I understand it.

5 Q. Okay. And do you have any education
6 in the field of photogrammetry?

7 A. No, just a couple of online courses
8 that I took.

9 Q. Do you have any experience? Did you
10 work for any company before you started 360
11 Virtual Drone in the field of photogrammetry?

12 A. No, sir.

13 Q. And do you have any certificates or
14 any formal training in photogrammetry?

15 A. Nothing like -- I have a Udemy
16 course I think I completed online, but it's just
17 an informational course, nothing that certifies
18 anyone.

19 Q. So the -- a copy of the Notice of
20 Deposition in this case is marked as Exhibit 1.

21 And do you have a paper copy of that
22 in front of you, Mr. Jones?

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1 A. What is that again? What's the name
2 of it?

3 Q. The Re-Notice of the Rule 30(b)(6)
4 Deposition.

5 A. Got it right here, yes, sir.

6 Q. And then Exhibit 2 is a copy of the
7 Complaint.

8 Do you have a copy of that in front
9 of you?

10 A. Yes.

11 Q. And Exhibit 3 that I have marked is
12 a copy of your deposition transcript.

13 Do you have a copy of your
14 deposition, your individual deposition transcript
15 in front of you?

16 A. I don't have a hard copy, but I do
17 have it online available to look at.

18 (Whereupon, Exhibit 3, Deposition of
19 Michael Jones, was marked for
20 identification.)

21 Q. Okay. And then Exhibit 4 is a set
22 of documents that we produced, the North Carolina

1 Board produced. And I'm going to share my screen
2 with you and show you those documents.

3 (Whereupon, Exhibit 4, North
4 Carolina Board of Examiners for Engineers and
5 Surveyors Investigative Report Bates NCBELS
6 000001 - NCBELS 000076, was marked for
7 identification.)

8 A. Okay. Thank you.

9 MR. HANNA: And it's, for the
10 record, it's a group of documents marked
11 NCBELS 1 through 76.

12 A. Okay.

13 Q. If I scroll down to Page 4, Page 4
14 looks like an E-mail from you to Mr. Casey dated
15 January 2, 2019.

16 Do you see that E-mail?

17 A. Yes, sir, I do.

18 Q. All right. And in that E-mail, you
19 indicate that "First I would like to apologize
20 for any violation on behalf, for I'm aware that
21 we are not licensed surveyors/engineers, nor are
22 we allowed to offer any services in that field

Page 16

1 claiming such."

2 Do you see that?

3 A. Yes, sir.

4 Q. Okay. And when you wrote that, did
5 you have a general idea of what a surveyor does?

6 A. A general idea, yes, sir.

7 Q. And you were indicating that those
8 were not the kind of services you wanted to or
9 you were performing?

10 A. No, not the services I was
11 performing, yes, sir.

15 A. Okay.

16 Q. -- I'm going to show you a document
17 which is marked as Exhibit 9. And it's
18 Plaintiffs No. 20.

19 (Whereupon, Exhibit 9, E-mail Bates
20 Plaintiffs000020, was marked for
21 identification.)

22 Q. And do you see that on your screen?

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1 A. Yes, I do.

2 Q. Okay. And that, do you recognize
3 that E-mail?

4 A. I absolutely do. It's to Paul
5 Aitken from Drone University.

6 Q. Can you tell me a little bit about
7 the E-mail, who the recipient was, and what the
8 purpose of the E-mail?

9 A. Sure. Paul Aitken is one of the I
10 believe owners of Drone U, maybe a partnership
11 with a guy named Rob, and they teach courses on
12 multiple services that drones offer, including
13 mapping. So I had been following their podcast.
14 They had had prior stories on this subject.

15 So when this letter arrived, I
16 decided to send this letter to Paul Aitken in
17 hope for some support or guidance maybe on, you
18 know, what I should do or just to let them know
19 that this was happening to multiple people with
20 the drone companies in North Carolina.

21 Q. All right. And so the letter you're
22 referring to is the December letter from the

Page 18

1 Board just letting you know there was an
2 investigation?

3 A. Yes. Yes, sir. Sorry.

4 Q. That's all right.

5 And in the letter to Mr. -- well, in
6 the letter to Paul, I don't know what his last
7 name is?

8 A. Yeah, Aitken.

9 Q. Aitken. You indicate to Paul, in
10 the third sentence, you say, "And before we
11 begin, I am not an idiot, I am well aware I cant
12 [sic] offer services such as surveying without
13 license."

14 Do you see that?

15 A. I'm trying to -- where was that?

16 Second paragraph?

17 Q. I'm sorry. First paragraph, third
18 sentence.

19 A. Okay. Let me see.

20 Yes, I see that.

21 Q. What did you mean by "I'm not an
22 idiot, I'm well aware I cant [sic] offer services

Page 19

1 such as surveying without license"?

2 A. I had assumed Paul probably gets a
3 lot of notifications of people who are breaking
4 the law and offering surveying without license.
5 I was letting him know I'm not one of those guys.
6 I was aware of the line in the sand as far as
7 being able to make maps or do measurements or
8 anything and turn into a county or Board and try
9 to, you know, legitimately get this passed as a
10 project.

11 Q. And what services were you referring
12 to, in your mind, when this --

13 A. There was mapping --

14 Q. Hold on. Hold on. You've got to
15 let me -- the court reporter won't be able to
16 take down what we say if we talk over each other.

17 A. Okay.

18 Q. So you need to do the best you can
19 to let me finish my question, pause, and I will
20 let you finish your answer. I'll pause and then
21 I'll ask the next question. But if we have a
22 normal conversation and we talk over each other,

Page 20

1 she won't be able to get that down. Okay?

2 A. Yes, sir.

3 Q. So when you wrote this in January of
4 2019, what services were you referring to that
5 you could not do as a, without -- you know, what
6 kind of surveying services were you referring to
7 that you couldn't do without a license?

8 A. I was referring to the services that
9 you guys were claiming were surveying services.
10 I was referring to making maps, orthomosaic maps
11 for progression projects for construction sites
12 or developers.

13 Q. And so you're referring, you were
14 indicating to Mr. -- or to Paul, that you're
15 aware that you can't offer services such as maps
16 or orthomosaic maps without a license?

17 A. I was letting them know that I knew
18 you couldn't do that, create the maps and turn
19 them in for official documents to courts to build
20 any projects or roads or anything like that.

21 Q. All right. And you mentioned a few
22 minutes ago in your testimony that you understood

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1 the line in the sand.

2 What is the line in the sand?

3 A. Me turning in -- me making
4 orthomosaic maps or measurements. Just for an
5 example, turning it into Steve Keen and telling
6 him this is official, all measurements are
7 straight, they're accurate. We can turn them
8 into the courts and any licensed surveyor would
9 take this map and they can go forward with it
10 officially, which I can't do. So that's what I
11 was letting him know.

12 Q. So if I understand your testimony,
13 it was your understanding that making maps or
14 orthomosaic maps was, in fact, surveying?

15 A. No. Just the part about turning
16 them into the official courts with lines, you
17 know, to do with projects or roads or what have
18 you.

19 Q. Correct. So, what, in your mind,
20 what turned that orthomosaic map into surveying
21 was whether it was used for an official purpose?

22 A. Yes.

Page 22

1 Q. And when a client hires you, do you
2 inquire what the purpose is and how they are
3 going to be using the product?

4 A. No, because I never got that far --

5 Q. Okay.

6 A. -- with clients.

7 Q. All right. And so how were you --
8 how did, prior to being notified by the Board,
9 how did you make sure the orthomosaic map that
10 you created for Mr. Keen, how were you -- how did
11 you ensure that it was not used for any official
12 purpose?

13 A. Okay. So one, just for the record,
14 he did not ask for this map nor did he order or
15 ask for it. This was a sales pitch of a service
16 that I wanted to go forward with. Steve was
17 having me do multiple video products. So while I
18 was at his house one day, I presented this map to
19 him and said, look, these are things I can do
20 with my drone. It's not for measurements, but if
21 you want to keep an eye on the progression of
22 your project, I can do this if you'd like. And

Page 23

1 he had no interest in it. So he's like, that's
2 cool, let's get back to my video and that was it.

3 Q. So Mr. Keen did not hire you to
4 produce an orthomosaic map in PDF form?

5 A. No, sir, he had no clue about it.

6 It was just a sales pitch that I was trying to
7 let him know these are other services that I can
8 possibly perform for you and they may be of need
9 to you.

10 Q. And had Mr. Keen actually hired you
11 to provide a PDF orthomosaic map, how would you
12 have made sure that it wasn't used for some
13 official purpose?

14 A. By telling him exactly what I did
15 when I pitched it to him, that this is not a map
16 you can make any kind of measurements off of, you
17 can't turn it into the Board. It's not accurate
18 for measurements. You can't build anything off
19 of it, and you can't use it in your development,
20 in this development that you're creating.

21 And I had a written void or, excuse
22 me, a written notice on my website and if I

Page 24

1 delivered that to Steve, it also had that on it
2 as well.

3 Q. So if you would have created an
4 orthomosaic map for a client, you would have
5 informed the client that you can't use this for
6 measurements?

7 A. I would inform the client this map
8 is not official, so to speak, but you can't use
9 this with surveyors. You can't turn this into a
10 surveyor and you say this is perfect, I could use
11 this, no need to hire a surveyor.

12 Q. All right. Let me switch gears on
13 you a little bit --

14 A. Okay.

15 Q. -- and ask you about the services
16 you actually did provide --

17 A. Okay.

18 Q. -- operating under 360 Virtual Drone
19 Services beginning in 2017.

20 And as I indicated before, I believe
21 you were incorporated in late 2017; is that
22 right?

Page 25

1 A. That's correct, yes, sir.

2 Q. All right. And so would you have
3 started providing services about that time, which
4 I believe was -- yeah, you were -- the
5 corporation was formed on October 16, 2017.

6 Does that sound right?

7 A. Yes, sir.

8 Q. All right. And when would you have
9 started providing services under the umbrella of
10 360 Virtual Drone --

11 A. Maybe a little before that, before I
12 saw it was going to turn into a prominent
13 business. Like as I had mentioned in the other
14 deposition, I was coming from regular photography
15 and then kind of transitioned into the air and
16 the stuff with the droning.

17 Q. I'm going to show you what's marked
18 as Exhibit No. 5.

19 (Whereupon, Exhibit 5, Plaintiff 360
20 Virtual Drone Services LLC's Responses and
21 Objections to Defendant's First Set of
22 Interrogatories, was marked for

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1 identification.)

2 A. Okay.

3 Q. And Exhibit 5 is a copy of Plaintiff
4 360 Virtual Drone Services LLC's Responses and
5 Objections to Defendant's First Set of
6 Interrogatories.

7 Do you see that?

8 A. Yes, sir, I do.

9 Q. And so essentially, on behalf of the
10 Defendants, we served a list of questions on the
11 company, and it looks like at the very end, you
12 signed on behalf of the company declaring "under
13 penalty of perjury that the answers to the above
14 interrogatories, 1 through 10, are true and
15 correct to the best of" your "information,
16 knowledge, and belief."

17 Do you see that?

18 A. Yes, sir.

19 Q. Okay. And I'm going to show you
20 your response to No. 2.

21 Do you see Interrogatory No. 2 on
22 this screen?

Page 27

1 A. Yes, I do.

2 Q. Okay. And it says: "Identify and
3 describe in detail all services provided by 360
4 Virtual Drone Services to customers in 2017,
5 2018, 2019, 2020, and 2021."

6 Do you see that?

7 A. Yes, sir.

8 Q. All right. And what -- can you read
9 your response for the record?

10 A. Yes, sir. You ready?

11 Q. I'm ready.

12 A. Okay. "Between 2017 and 2021, 360
13 Virtual Drone Services LLC has provided a range
14 of drone photography-related services, including
15 videography and photography for commercial and
16 real-estate marketing and weddings. 360 Virtual
17 Drone Services LLC has captured visual and
18 thermal images for use in orthomosaic and thermal
19 maps. 360 Virtual Drone Services LLC also
20 provided a completed orthomosaic map before
21 Defendants issued a cease-and-desist letter."

22 Is that good?

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1 Q. It is good. Thank you.

2 So if I break that down, you
3 provided videography services to clients?

4 A. Yes, sir.

5 Q. And you provided photography
6 services for clients?

7 A. Yes, sir. Yes, sir.

8 Q. And you provided, you provided
9 one -- or you completed one orthomosaic map
10 before you received that June letter, which I
11 think you called "Cease and Desist Letter,"
12 right?

13 A. I think so. I'm not sure if that's
14 accurate, but, yes.

15 Q. Do you know what I'm talking about,
16 so you received a letter from the Board in
17 December of 2018 talking about a -- notifying you
18 of an investigation, right?

19 A. Yes, sir.

20 Q. And then there was an investigation
21 conducted and you cooperated with the
22 investigation, right?

Page 29

1 A. Yes, sir.

2 Q. And then there was a letter you
3 received in June, and that's what -- that's the
4 letter June of 2019 that you call a cease and
5 desist letter?

6 A. Yes, sir. Or the decision, I guess,
7 the Board had made.

8 Q. Okay. And that -- based on the
9 decision that the Board had made, you indicate
10 that prior to that June of 2019 letter, you had
11 completed one orthomosaic map for Mr. Keen?

12 A. I completed one orthomosaic map to
13 present to Mr. Keen for a possible purchase in
14 the future.

15 Q. So this was like a marketing ploy
16 for you?

17 A. Yeah. I don't want it to be
18 misunderstood that Mr. Keen bought this and this
19 was something he paid for and I delivered this
20 orthomosaic map to him.

21 This is just me trying to get him to
22 understand this is some services I may be able to

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1 offer if you need it and he was not interested.

2 Matter of fact, he didn't even
3 remember -- when I was talked to him, he said you
4 didn't make me a map, and I had to remind him
5 what it was. And he was like, oh.

6 Q. All right. Let me drop down to --
7 actually, let me switch exhibits.

8 A. Okay.

9 Q. So the next exhibit I'm going to
10 show you is Exhibit 7.

11 (Whereupon, Exhibit 7, Plaintiff 360
12 Virtual Drone Services LLC's Responses and
13 Objections to Defendant's First Set of
14 Request For Production of Documents, was
15 marked for identification.)

16 Q. And Exhibit 7 is Plaintiff 360
17 Virtual Drone Services LLC's Responses and
18 Objections to Defendant's First Set of Request
19 For Production of Documents.

20 Do you see that?

21 A. Yes, sir, I do.

22 Q. And I'm going to drop all the way

Page 31

1 down to 21.

2 And Request No. 21 I -- we ask you
3 to "Produce a copy of all company files on
4 Dropbox, including all work product created by
5 360 Virtual Drone Services as referenced in the
6 testimony of Michael Jones at Page 35 of his
7 deposition."

8 Do you see that?

9 A. Yes, sir.

10 Q. All right. And just for the record,
11 it was my understanding that when you did work
12 for 360 Virtual Drone that you used Dropbox to
13 communicate with clients?

14 A. To deliver the products to clients.

15 Q. Okay. And did you ever use any
16 other service other than Dropbox to deliver
17 products to clients?

18 A. Possibly if the file was small
19 enough. It might have been done under direct
20 E-mail. But usually my products are so large you
21 have to put them on a Dropbox link.

22 Q. Okay. So if it's -- again, I'm just

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1 trying to get the Court to understand, that if it
2 was like a small, like a photo, you might send it
3 via E-mail, but most of the time you would use
4 Dropbox and provide the images, videos, or
5 whatever services you had provided to the client
6 via Dropbox?

7 A. Yes, sir, through a shared link that
8 they could access.

9 Q. Okay. And the documents when you
10 looked at the file that you produced in response
11 to RFP 21, you provided a real estate video on
12 104 Blue Crest.

13 Do you remember that project?

14 A. Yes, sir.

15 Q. And tell me about that. What was
16 the purpose of that real estate video?

17 A. Marketing video for a real estate
18 firm here in North Carolina. They use me for all
19 their videography services for their house to
20 make real estate tours.

21 Q. And then you also produced a file or
22 set of files on 105 Brian Pool Road which appears

Page 33

1 to be another real estate video file?

2 A. Yes, sir.

3 Q. And at least one of those two also
4 had some regular images of what I would call
5 photographs and not videos?

6 A. In the video?

7 Q. No. In the information you
8 produced, it looks like you produced some videos
9 and some photographs?

10 A. Yes, sir. That real estate agent
11 also has aerial photos with all of her video
12 packages -- aerial stills. Yes, sir.

13 Q. And then the third -- I guess I
14 would call client file -- is a wedding that you
15 call the "Price Wedding."

16 Do you remember providing that
17 information?

18 A. Yes, sir.

19 Q. All right. Were there other files
20 that you -- that you provided to clients on
21 Dropbox that you no longer had or deleted?

22 A. So when I deliver these to clients,

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1 the link is normally deleted within 90 days.
2 They have to download the file in 90 days, and
3 then I delete it for space purposes and storage.

4 Q. Understood. Okay.

5 So let me move up. So there were
6 other deliverables to clients between 2017 and
7 2019, but they would have been deleted by then?

8 A. Yes, sir.

9 Q. All right. And then do you see
10 Request No. 10?

11 A. Yes.

12 Q. And then the request ask you to,
13 "Produce an exemplar, including all electronic
14 data for the 'aerial or orthomosaic maps'
15 provided by Plaintiff to its clients as
16 referenced in Paragraph 72 of the Complaint."

17 And in response you indicate that
18 you couldn't find any, right?

19 A. Yes, sir.

20 Q. And you further indicated that, "A
21 PDF of the orthomosaic map provided by 360
22 Virtual Drone Services LLC to client Steve Keen,

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1 however, is available at NCBEL000072."

2 Do you see that?

3 A. Yes, sir.

4 Q. All right. And just so I understand
5 your answer here --

6 A. Okay.

7 Q. -- No. 1 is you can't -- you don't
8 have any final products or PDFs of orthomosaic
9 maps that you previously produced?

10 A. Correct.

14 A. Yes, sir.

15 Q. And that other than the orthomosaic
16 map you turned into a PDF for Mr. Keen, you
17 didn't produce any other orthomosaic maps prior
18 to receiving any type of, what you call, "cease
19 and desist letter" for the Board?

20 A. I did not create any maps for
21 anyone. I created them for myself practicing
22 doing surveying or learning how to do it. But no

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1 one ever saw them or I delivered them.

2 Q. Right.

3 And the NCBELS000072 document, that
4 was essentially a photocopy of the PDF that you
5 provided to Mr. Keen that you provided to the
6 Board investigator, right?

7 A. I'm not sure if it was a photocopy
8 or attachment out of an E-mail. I'm not positive
9 on what that was.

10 Q. Well, let's take a look at that.

11 A. Okay.

12 Q. Do you see that on your screen right
13 now?

14 A. Yes, sir.

15 Q. So it's NCBELS000072, which is part
16 of Exhibit 4.

17 A. Yes.

18 Q. Can you explain to me -- well, first
19 of all, to me this looks like just a photo --
20 just a copy of the image that you may have
21 provided to him in PDF form?

22 A. No, I don't think it is. I don't

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1 think it's a copy. This is a print from
2 DroneDeploy. They have an option for exporting
3 files, how you would like to export them, what
4 file extension you would like to use. When you
5 choose PDF, they give you a PDF form. This is
6 it. And I just hit "print." It is printed off.

7 That's why it has "Powered By
8 DroneDeploy" at the bottom.

9 Q. I see what you're saying. What
10 you've done is you've just printed a copy of the
11 PDF image that you sent, but you didn't -- you no
12 longer have the PDF file is what I guess is the
13 point?

14 A. Yes, sir. To explain further,
15 maybe, help you understand a little bit better.
16 I was a -- I had a trial membership with these
17 guys. They are very expensive. I had a trial
18 membership with them. And then once you, you
19 know, are done with your 7-day trial all of these
20 things you've done are unavailable to you unless
21 you continue your monthly subscription, which I
22 wasn't able to do.

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1 So that's one reason that I don't
2 have the actual map and just pictures. I don't
3 have access to their dashboard anymore.

4 Q. All right. And when you provided
5 this to the Board investigator, did you tell him
6 that this was a copy of the orthomosaic map that
7 you had previously produced?

8 A. I'm not sure what terms I used as
9 far as "copy." I probably told him this is a
10 picture of the map. I'm not sure about the copy
11 thing, like how -- why are we determining whether
12 it's a copy or me just printed it. It's still
13 the picture.

14 Q. When I say "copy" or "print" I mean
15 the same thing.

16 A. Okay. Okay.

19 A. Yeah.

20 Q. -- a picture of the map that you
21 previously produced?

22 A. Yes, sir.

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1 Q. And you actually specifically told
2 him it's a picture of the orthomosaic map that
3 you previously created?

4 A. How I explained it to him was, yes,
5 this is 4 or 500 pictures stitched together of
6 your whole entire property. And we can do this
7 weekly if you want, but he wasn't interested.

8 Q. Did -- well, I'm actually talking
9 now about the communications that you would have
10 had with the Board investigator.

11 A. With the Board, okay.

12 Q. This is a document that's marked
13 NCBELS 000072. This is actually part of the
14 investigation that was conducted right before you
15 received the June 2019 letter.

16 A. Yes, sir.

17 Q. All right. And in that
18 investigation, you had communicated to the Board
19 that you have -- that you offer orthomosaic maps,
20 you offer to do that to clients?

21 A. I wanted to, yes. I was offering,
22 just nobody was interested.

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1 Q. All right. And so -- and then you
2 were giving him an example of what an orthomosaic
3 map would look like that your company would be
4 able to create?

5 A. Correct.

6 Q. All right. And did you explain to
7 him that you, prior to the investigation in early
8 2019, that you had not been hired by any client
9 to produce an orthomosaic map?

10 A. I'm sure we had discussed that.

11 Yes. I can't recall the conversation exactly.
12 But I don't know why I wouldn't have expressed to
13 him I don't have clients that order those. This
14 is a hopeful service I can get into.

15 Q. All right. And did you explain to
16 him that the one orthomosaic map that you had
17 created was actually in PDF form?

18 A. I'm quite certain that I did.

19 Q. Okay. Did you provide -- other than
20 the videography services that we talked about
21 earlier, or the photography services that we
22 talked about earlier, did you provide any other

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1 services for clients between, you know, the date
2 you started in October of 2017 through the date
3 you received that letter from the Board in June
4 of 2019?

5 A. Just photography, videography. And
6 that's pretty much my business. And aerial
7 photography, if you want to separate that.

8 Q. And aerial photography you're
9 talking about --

10 A. With the drone.

11 Q. -- essentially video that you're
12 talking using your drone?

13 A. Or still pictures.

14 Q. Okay. And prior to June of 2019,
15 had you ever been hired to provide any measurable
16 maps to clients?

17 A. No, sir.

18 Q. And prior to June of 2019, had you
19 ever been asked to provide maps with location
20 data?

21 A. No, sir.

22 Q. And prior to June of 2019, had you

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1 ever been asked to provide maps with elevation
2 data?

3 A. No, sir.

4 Q. And prior to June of 2019, had you
5 ever been asked to provide maps with volume data?

6 A. No, sir.

7 Q. And so when you received the, what
8 you call a cease and desist letter in June of
9 2019, how did you change your business, if you
10 changed your business at all?

11 A. So I left the meeting with the
12 understanding that I could not draw lines on any
13 real estate photos that I was giving to the
14 clients, like property boundary lines; I could
15 not deliver clients any maps, whether they were
16 measurable in PDF form, I was pretty much under
17 the understanding I could not make any maps
18 regardless of anything. So I quit offering that.
19 And that was -- and you know, that service as far
20 as taking pictures together and mapping has to do
21 with a lot of other service like parking lot
22 pavement inspections, roof inspections, I had to

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1 turn all of those possible jobs down that came to
2 me because that technology is used to create
3 those things as well.

4 Q. So based on the -- just so I
5 understand -- based on the June 2019 letter that
6 you received from the Board that you identify as
7 a cease and desist letter, you no longer would
8 provide any type of marketing maps with property
9 boundary lines?

10 A. Yes, sir.

11 Q. Okay. And that was something you
12 did prior to -- was that something you did prior
13 to receiving that letter in June of 2019?

14 A. Yes, sir, it was.

15 Q. Okay. And then other than that, did
16 you stop doing any service that you had
17 previously provided a client?

18 A. With that one, the lines -- like I
19 had a lot of real estate agents that would hire
20 me to take aerial photos and then in that package
21 they would also, can you put the property around
22 this empty parcel, the property lines, you know,

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1 and they would give me a map that they had from
2 Google and I would just, kind of, you know, in
3 Photoshop application would draw the lines. I
4 had to send E-mails and notification and texts to
5 all my clients I can no longer do that. I could
6 take the pictures, but I couldn't draw any lines.

7 Q. So other than not providing pictures
8 with lines for marketing purposes, did you stop
9 doing anything else that you had previously done
10 prior to June of 2019?

11 A. I had stopped trying to market any
12 kind of maps because I just quit making them
13 altogether. I wasn't delivering those -- I mean,
14 I had no clientele to get the maps, but that was
15 something I was hoping to get into. I just put a
16 halt to all of that.

17 Q. I guess so we're clear, you were
18 hired and you had provided marketing maps to
19 clients where you would draw the property
20 boundaries, right?

21 A. Not marketing maps. Aerial photos.

22 Q. Aerial photos with -- sorry. Aerial

Page 45

1 photos with approximate property boundaries for
2 marketing purposes?

3 A. Yes, sir.

4 Q. Okay. But other than that service,
5 there was no other service that you previously
6 provided that you had to stop providing, right?

7 A. I don't think so. I think that was
8 it.

9 Q. And then as far as the orthomosaic
10 PDF map, that was the only map that you had tried
11 to do but you only did that for marketing
12 purposes, you weren't hired to do that?

13 A. Exactly. And also too, can I say
14 one thing about -- as far as the mapping and
15 stopping everything -- so I've had to turn down a
16 lot of jobs, I guess you can say, I quit offering
17 anything that has to do with mapping because I
18 was told I couldn't collect the data. Remember
19 that part where companies were hiring me to
20 collect the data, take the pictures. I would
21 deliver all the pictures to them then they would
22 produce a map. And I was told by William that

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1 you cannot even collect the data for a company
2 who 's making the map.

8 Q. Who hired you to do that?

9 A. I'm a member of a couple of -- like,
10 Droners, DroneBase they send me jobs daily that I
11 have to turn down.

12 Q. And you're saying you turned down
13 jobs where you would just take pictures and
14 provide pictures?

15 A. If they wanted to make a map out of
16 it. Because there is a certain -- in the
17 instructions they have to tell you, you have to
18 use DroneDeploy, they tell you to overlap,
19 instructions how to make the map. I'm just
20 collecting the pictures and putting the SD card
21 in the computer, uploading it to their site.
22 They create a map because they own the stitching

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1 application. I would just be collecting the
2 data, which are pictures, sending it to them.
3 They create the map.

4 But I was told by William even
5 though I wasn't doing any processing of the map,
6 I couldn't collect the pictures at all.

7 So if a job came to me and they were
8 like, we need beauty shots and also an
9 orthomosaic picture or map, I had to turn it
10 down. And still am today.

11 Q. Just so we're clear, what you're
12 talking about is flying your drone and taking
13 pictures and providing those pictures?

14 A. Yes, but what I'm talking about
15 turning down is the orthomosaic maps which they
16 are asking me to do. They are asking me to take
17 pictures, but they are in a separate like, No. 1
18 instruction, we need beauty shots of the front of
19 the building. No. 2, we need an orthomosaic map
20 over top of the warehouse. And then they give me
21 a picture of the map and they draw the line over
22 the warehouse where they need an orthomosaic map.

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1 So I'm not doing a map, but by
2 William's words, I can't even collect those
3 pictures for that company.

4 Is that clear?

5 Q. It is. I mean, have you seen that
6 written down where you -- from anybody from the
7 Board that you're not allowed to take pictures
8 and provide clients with aerial photos?

9 A. Actually, technically, it is. It's
10 the one paragraph that I can't offer any location
11 services which they have to have that picture in
12 order to make the map. So yes, it does say I
13 can't collect pictures with location data.

14 Q. Just so I'm clear, so since June of
15 2019, you no longer -- let me make sure I've got
16 this right.

17 A. Okay.

18 Q. You no longer provide aerial images
19 for marketing purposes where you would
20 approximate rough boundaries of the property?

21 A. No. So I no longer am providing
22 pictures that is told to me when I'm getting the

Page 49

1 job, we're going to take these pictures, Michael,
2 and we're going to create a map with them. If
3 they have that in their instruction, I'm saying I
4 can't do it.

5 Q. No. I hear you. But let me back
6 up.

7 So the first thing you talked about
8 was aerial photos where you would approximate
9 rough boundaries for real estate marketing
10 purposes. And you're no longer doing that?

11 A. No, I can't. No. I don't draw the
12 lines on the pictures. All of my clients know
13 that I can't do that.

14 Q. Okay. And as I understand, you've
15 said that since you received the cease and desist
16 letter, you've been asked to provide photographs,
17 aerial photographs to other people who would then
18 use them to produce an orthomosaic map?

19 A. Yes, sir.

20 Q. Okay. And you -- and those jobs,
21 those are new jobs since June of 2019 that you
22 have been unable to do?

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1 A. Yes, sir.

2 Q. Okay. Are there any other jobs that
3 you're unable to do?

4 A. Not within my realm of what I want
5 to. No. That's it.

6 Q. And you've never been asked to
7 produce a 3D model?

8 A. No.

9 Q. And you've never produced a 3D
10 model?

11 A. Just for practicing and learning how
12 to do it for myself.

13 Q. Have you ever produced a 3D model to
14 a client or a third party?

15 A. No, because it's very hard and I
16 didn't get far enough in the learning process.

17 Q. All right. Let me -- we've been
18 going about quite an hour. Let me take a
19 five-minute break and I don't think I have that
20 much longer.

21 A. Okay. Thank you.

22 Q. Thanks.

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1 (Recess taken.)

2 THE COURT REPORTER: Back on the
3 record.

4 BY MR. HANNA:

5 Q. Mr. Jones, I wanted to turn back to
6 Exhibit 2, which is a copy of the Complaint.

7 A. Okay.

8 Q. I put that on my -- I can share my
9 screen with you.

10 A. Great. Thank you.

11 Q. And so you indicate here on
12 Paragraph 72, you said: "Before the Board issued
13 its June 13, 2019 letter, Plaintiffs offered and
14 provided drone services such as aerial
15 orthomosaic maps, aerial images containing
16 location information, and aerial images of land
17 that include lines indicating the rough position
18 of property lines."

19 Do you see that?

20 A. Yes, sir.

21 Q. Okay. And as far as providing
22 services such as aerial orthomosaic maps, you

Page 52

1 actually never did that prior to June 13, 2019?

2 A. Correct. Just hoping, hoping to do.

3 Q. And as far as aerial images

4 containing location of information, are those

5 just -- are you talking about aerial -- you're

6 talking about just photographs that you took

7 using your drone that you provided to real estate

8 clients and other clients?

9 A. Yes, sir.

10 Q. Okay. And just so we're -- and so

11 it's not anything unusual, but we're talking

12 about using your drone to fly a piece of property

13 and take video and take aerial images on top of

14 the video and provide that to the client?

15 A. Yes, sir.

16 Q. Okay. And as I understand it, you

17 continued to provide aerial images to clients

18 after you got the June 13, 2019 letter, correct?

19 A. Yes, sir.

20 Q. And you provided, continued to

21 provide aerial videography to clients?

22 A. Yes, sir.

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1 Q. Okay. And you no longer provided
2 aerial images of land that include lines
3 indicating the rough position of property lines?

4 A. Yes, sir, I quit that.

5 Q. Okay. And do you understand that
6 the Board's position is that you're allowed to do
7 that if it's for marketing purposes only?

8 A. No, that's not what I got from Mr.
9 William Casey.

10 Q. Well, I understand that. But you're
11 talking about a conversation that you claim to
12 have with Mr. Casey during the investigation,
13 right?

14 A. Yes, sir, absolutely had. And I can
15 remember all of it.

16 Q. But since this lawsuit has
17 started -- so that conversation that you had with
18 Mr. Casey was in early 2019, right?

19 A. Yes, sir.

20 Q. And you filed this lawsuit in March
21 of 2021?

22 A. Yes, sir, I think that is correct.

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1 Q. And since the filing of the lawsuit,
2 do you now understand that the Board takes the
3 position that you can, in fact, provide aerial
4 images of land that include lines indicating the
5 rough position of property lines as long as it's
6 being used for marketing purposes only?

7 A. I did not know that, but that's
8 great.

9 Q. Okay. And as far as providing a PDF
10 of an orthomosaic map, that's something that you
11 never -- you were never hired to do, but you did,
12 in fact, provide a PDF to one potential client,
13 correct?

14 A. Yes, sir, Steve Keen.

15 Q. And do you know if the Board would
16 allow you to actually provide a PDF of an
17 orthomosaic map to a paying client as long as it
18 didn't have measurable information?

19 A. I was not aware of that, not the
20 impression I was under.

21 Q. Okay. But those are two things that
22 you want to do going forward, right?

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1 A. Two of the things I want to do, yes,
2 sir.

3 Q. And the other thing is you want to
4 be able to provide aerial images to other third
5 parties for them to use in, I guess, creating
6 orthomosaic maps or using DroneDeploy in some
7 other way?

8 A. Yes, that's another thing I'd like
9 to do.

10 Q. Okay. Why don't those companies
11 just do it themselves?

12 A. Honestly, I think it's a group of
13 young entrepreneurs and they have locked down as
14 far as like an internet feed to drones nationwide
15 so they can charge the clients thousands of
16 dollars and pay a drone client 70 bucks to go fly
17 it.

18 Q. And that's something that you've
19 been asked to do since you received this June 13,
20 2019 letter?

21 A. Yes, sir. These job boards I have,
22 they basically just send jobs constantly to you

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1 and you have the option to accept or decline, so.

2 Q. And when was the first time that you
3 declined providing aerial images?

4 A. That's hard to say. I would have no
5 idea, I mean.

6 Q. Like within the last 12 months?

7 Last 18 months?

8 A. These things come weekly, every day.
9 I mean, they've never stopped. So as far as me
10 being able to tell you, like, the first one I got
11 after that notice, I'm not sure. They come
12 frequently.

13 Q. And so what I hear you saying, just
14 so that I'm clear, you're complaining that you
15 are not able to provide PDF orthomosaic maps to
16 clients, right?

17 A. That's one of the complaints, yes.

18 Q. I'm just trying to break it down for
19 the Court.

20 A. That's fine.

21 Q. You're complaining that you're not
22 allowed to provide aerial images of land that

Page 57

1 include lines indicating the rough position of
2 property lines for real estate marketing
3 purposes, right?

4 A. Yes, sir.

5 Q. And that you're complaining that
6 you're not allowed -- since the Board issued its
7 June 13, 2019 letter, you have not been allowed
8 to provide aerial images to other third-party
9 Droners?

10 A. Yes, for map production.

11 Q. All right. Anything else?

12 A. I would -- I mean, I would like to
13 have the option to give these clients access to
14 DroneDeploy's dashboard to use the tools they
15 have to measure and do volume metrics like
16 construction sites. I think there's like 48 or
17 47 or 48 other states that have no problem with
18 this. I would like to do what these other people
19 are doing in other states.

20 I'm not surveying. I'm not claiming
21 it's surveying, but I don't understand why I
22 can't give the client these tools. They are made

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1 for that and they are being offered nationwide.

2 It's just North Carolina is telling me you can't
3 do it. And I have trouble understanding why.

4 And I want to be able to do that.

5 Q. I'm walking through your Complaint
6 and I just want to make sure I understand where
7 in your Complaint you were asking about this.

8 So in Paragraph 72, we've covered --
9 I mean, there's nothing else identified in
10 Paragraph 72 that you're claiming injury, right,
11 other than what we've just talked about?

12 A. I'm sorry. I'm not understanding
13 that question now.

14 Q. Yeah. In Paragraph 72, this is
15 under a heading called "Injury to Plaintiffs,"
16 right?

17 A. Okay.

18 Q. Do you understand that?

19 A. Yes.

20 Q. Okay. And you're saying to the
21 Court since the June 13, 2019 letter has been
22 issued, you've been injured in the following

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1 ways, right?

2 A. Yes.

3 Q. And one of the things you've been
4 injured in and you're no longer able to provide
5 PDF aerial orthomosaic maps?

6 A. That's one of the things, yes, sir.

7 Q. Even though you never actually
8 provided it, you just did it one time for
9 marketing purposes, right?

10 A. Yes, sir.

11 Q. Okay. And that you're now going
12 forward, you're not able to provide aerial images
13 containing location information to third-party
14 Droners using your, using your drone and camera?

15 A. Yes, sir.

16 Q. Those are the same aerial images
17 that you currently take and provide to paying
18 clients for real estate purposes and other
19 purposes, right?

20 A. Yes, sir.

21 Q. Okay. And so just to make sure,
22 when we say aerial images, you're talking about

Page 60

1 aerial photographs that you took for real estate
2 clients before the letter and you've continued to
3 take for real estate clients since you received
4 the letter?

5 A. Yes, sir.

6 Q. And that also this idea of you're
7 claiming injury that you are no longer able to
8 provide aerial images of land that include lines
9 indicating the rough position of property lines
10 for real estate marketing purposes?

11 A. Yes.

12 Q. All right. And anything else, any
13 other way you've been injured?

14 A. As far as, I mean, like I mentioned
15 the maps. I have not been able to, that part
16 about the location data and the aerial, that
17 keeps me from being able to make a map. I would
18 like to be able to do that.

19 Q. All right. So let's -- let me break
20 it down this way.

21 A. Okay.

22 Q. In Paragraph 72, there's nothing

Page 61

1 else, right?

2 I'm sorry. Did you get that

3 question?

4 A. Yeah, I'm sorry. I was just reading
5 over it. Sorry about that.

6 When you say there's nothing else, I
7 guess that's the part I'm not understanding.

8 Q. Well, in Paragraph 72, you have
9 aerial orthomosaic maps, and you're talking about
10 the PDF map that you made, right?

11 A. Well, I'm talking about the ability
12 to make any orthomosaic map there, actually.

13 Q. All right. Prior to, prior to June
14 of 2019, you had never provided any client with
15 an orthomosaic map, right?

16 A. No.

17 Q. Okay. And prior to June of --
18 June 13, 2019, you had never been asked by any
19 Droners to provide aerial images for use in this
20 DroneDeploy software?

21 MR. GEDGE: Object;

22 mischaracterizing prior testimony.

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1 But you can answer, if you can.

2 A. What was that question again? Since
3 receiving the Board, plaintiffs have had --

4 Q. Prior to June of 2019, you had never
5 been asked by a client to provide an orthomosaic
6 map, correct?

7 A. Oh, no. Yes, sir. I'm sorry. No,
8 I have not.

9 Q. And prior to June of 2019, you have
10 never been asked by a third-party Droners to
11 provide aerial images, correct?

12 MR. GEDGE: Objection;
13 mischaracterizing prior testimony.

14 MR. HANNA: You can object to the
15 form.

16 MR. GEDGE: Objection to form.

17 MR. HANNA: I don't -- I don't like
18 your speaking objection at all.

19 BY MR. HANNA:

20 Q. Do you understand my question,
21 Mr. Jones?

22 A. Can you ask it one more time,

1 please?

2 Q. Yeah.

3 You said, you testified that prior
4 to June of 2019, you had never been asked to
5 provide an aerial orthomosaic map by a client,
6 right?

7 A. Yes, we've got that one, so, no.

8 The next question.

9 Q. And prior to June of 2019, you had
10 provided clients with aerial images for marketing
11 purposes or real estate purposes, right?

12 A. Yes.

13 Q. And prior to June of 2019, you had
14 provided videos to real estate clients, aerial
15 videos, correct?

16 A. Yes, yes.

17 Q. And after June of 2019, you
18 continued to provide aerial images to real estate
19 clients, right?

20 A. Yes.

21 Q. And after June of 2019, you
22 provided, continued to provide aerial videography

Page 64

1 to real estate clients, correct?

2 A. Yes.

3 Q. All right. And then we talked about
4 aerial images containing location information.

5 You said -- I understood that prior to June of
6 2019, you had never been asked by a third-party
7 droner to provide that kind of information for
8 use in DroneDeploy, correct?

9 A. Okay. So, no, because they wouldn't
10 have asked that. I guess that's why that's
11 confusing me. No, they wouldn't have asked that.
12 If they were hiring me for pictures, they would
13 just say I want aerial pictures. They wouldn't
14 go -- it would be like you saying I want a new
15 car and also want gas and oil in it. It was
16 just -- I just assume that when they call me to
17 ask for the aerial pictures, I'm not putting
18 locations.

19 Now, to be factual, all of the
20 pictures taken with any modern camera does have
21 location information in it. The question is kind
22 of bending.

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1 Q. Again, and I'm just going off your
2 testimony, which is why your lawyer objected, but
3 your testimony was that since June of 2019, you
4 have turned down jobs where you were asked by
5 other droners to provide aerial images?

6 A. Yes, since June '19, I've turned
7 down all jobs that want orthomosaic pictures and
8 they let me know we're going to produce a map
9 with this. I turned those down.

10 Q. So what's really important for the
11 Court to understand is prior to June of 2019, had
12 you taken a paying client where you provided
13 aerial images to a third-party droner for use in
14 this DroneDeploy software?

15 A. Yes, prior to June 13th, that's like
16 the Wilmington mall, the thermal jobs, all of
17 those were me providing the pictures to that
18 company. They were doing the map or producing
19 the map, which we discussed multiple times in
20 this case.

21 Q. All right. Well, let's go back over
22 that because --

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1 A. Okay.

2 Q. -- so what you're saying is before
3 June of 2019, you had been asked to fly a site
4 and take pictures?

5 A. Yeah, like Harbor Freight. Is this
6 not all ringing a bell? Harbor Freight,
7 Wilmington, all of that. I wasn't making the
8 maps, but I was hired to take the pictures for
9 the map. Then the Board told me you can't even
10 do that. So from that point, I quit doing --

11 Q. Hold on, hold on. And you were
12 hired to take aerial images by a client in
13 Wilmington, right?

14 A. By Upland Data from Chicago.

15 Q. Okay.

16 A. In Wilmington, yes.

17 Q. And you took aerial images and you
18 provided it that to that client?

19 A. Yes, sir.

20 Q. Do you have a copy of that? Do you
21 have that information?

22 A. I'm not sure if it's in the Droners'

Page 67

1 E-mails. I know they send you Droners' E-mails
2 from Droners.

3 Q. Well, I'm just asking for the -- you
4 know, you have a paying client prior to June of
5 2019 where you took aerial images, right?

6 A. Yes, yes.

7 Q. And you, do you have those aerial
8 images?

9 A. No.

10 Q. Okay.

11 A. They were delivered.

12 Q. Hold on, hold on. What you're
13 saying is the aerial images are nothing different
14 than what you're providing your real estate
15 clients, same photos, same images?

16 A. No.

17 Q. No what?

18 A. No, they are not the same images.

19 Q. And why not?

20 A. Because they are not orthomosaic
21 maps. I'm having such a time understanding why
22 you're not understanding this.

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1 So pictures taken like -- the real
2 estate agents call me. They are just pictures.
3 I choose the framing of the house or I put
4 whatever is in the frame.

5 Orthomosaic maps are me collecting
6 data to make a map. It's flown by an automated
7 mission by the drone. The drone is taking
8 pictures straight down every two seconds whatever
9 direction they give me to plot the map. They are
10 nothing like the real estate pictures. They are
11 pictures, yes, but they are not in any form like
12 those at all.

19 A. No.

20 Q. And so it's -- and so if you
21 provided me -- and you don't have an exemplar to
22 provide the Court of what you're talking about?

Page 69

1 A. No, sir.

2 Q. Okay. But what you're saying is
3 from a data perspective, the images that you take
4 every two seconds straight down, for this
5 Wilmington mall client, it has the same data that
6 you're providing your real estate clients?

7 A. Yes, all the photos have the same
8 data in it. Yes, sir.

9 Q. Okay. And so if a client calls you
10 like the Wilmington mall client and says we need
11 you to take aerial images, you're no longer doing
12 that?

13 A. Aerial images -- I'm making a map.
14 I would know if it's for a map by the way they
15 ask me to take the pictures. If I know that,
16 then I tell them I can't do it.

17 I can send you plenty of examples of
18 E-mails where I turned down those jobs.

19 Q. Yeah. That would be great. If you
20 would provide those, I think I asked for those in
21 discovery. So --

22 (Cross-talking.)

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1 A. They probably --

2 (Whereupon, a request for Request
3 for E-mails, was made.)

4 BY MR. HANNA:

5 Q. So if you get one that would be
6 great.

7 Is there anything else in Paragraph
8 72 that we haven't talked about?

9 A. No.

10 Q. And other than not providing aerial
11 images to third parties for use in preparing an
12 orthomosaic map, is there anything that you're
13 not able -- anything else that you're not able to
14 do since you received this June 2019 letter?

15 A. Well, I can't deal with 3D models.

16 I can't --

17 Q. Did you ever build a 3D model before
18 June of 2019?

19 A. I have built several, yes.

20 O. For a client?

21 A. Not for a client.

22 9. Is there anything that you were

Page 71

1 doing prior to June 2019 other than what we
2 talked about in Paragraph 72 that you're no
3 longer able to do?

4 A. No.

5 Q. Okay. So the lawsuit, as I
6 understand it, your First Amendment lawsuit,
7 you're claiming that the -- you're claiming that
8 the Board is keeping you from doing three things
9 as I understand it.

10 They are keeping you from -- and I'm
11 looking at -- well, let me back up. Let me
12 strike that. Let me back up.

13 Do you see your Cause of Action on
14 Page 19?

15 A. Yes.

16 Q. Okay. And this is -- you're filing
17 or making a claim under the First Amendment,
18 right?

19 A. Yes.

20 Q. Okay. And in Paragraph 93, you say
21 "Plaintiff," meaning you and your company --
22 "want to create, process, and communicate

Page 72

1 information -- for example, aerial images, 3D
2 digital models, and data about land and
3 structures. These services consist entirely of
4 speech protected by the First Amendment."

5 Do you see that?

6 A. Yes, sir.

7 Q. Okay. And, again, 3D digital models
8 is something you never did prior to receiving
9 this June 2019 letter, right?

10 A. Correct.

11 Q. And aerial images is something that
12 you did prior to receiving the letter and for
13 real estate clients and other clients you've
14 continued to provide aerial images, correct?

15 A. Correct.

16 Q. But for clients who you think are
17 going to use it to produce orthomosaic mapping
18 under DroneDeploy you stopped doing it?

19 A. Yes, sir. Or any other program.

20 Q. Okay. Am I -- do I have that? Am I
21 being fair to you on that?

22 A. Yes, I think that's correct.

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1 Q. Okay. And the aerial images that
2 you no longer do for these people you think might
3 be using it for DroneDeploy are the same aerial
4 images that you provide from a data perspective
5 to real estate clients, correct?

6 A. Somewhat, yes.

9 A. Yes.

10 Q. Okay. And then the last thing you
11 have in Paragraph 93 is "data about land and
12 structures." What are you talking about there?

13 A. As far as the native data in the
14 picture, so height, volume, distance, square
15 footage, area, et cetera, et cetera.

16 Q. Again, we're be back to aerial
17 images.

18 It's the data that you have in the
19 aerial images is what you're talking about?

20 A. Yes, sir.

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1 or whether you take it straight down every two
2 seconds for a client you think might be using it
3 for mapping is the same data?

4 A. Yes.

5 Q. Okay. All right.

6 A. And can I clarify one thing?

7 Q. Sure.

8 A. There's no thinking of me knowing or
9 thinking it. I know for a fact that they are
10 going to use it for the map. There's no
11 situations where like I'm wondering if they are
12 going to make a map. I know for a fact if they
13 call me that they are going to make a map.

14 Q. Right. But you're not making the
15 map, you're just taking the digital images,
16 right?

17 A. Right. I'm just clarifying there's
18 no speculation when they call whether I know if
19 they are going to do a map or not. I know for a
20 fact they are going to make a map.

21 Q. Just to clarify, again, for the
22 Court prior to June of 2019 you never made an

Page 75

1 aerial map for a client?

2 A. No, sir.

3 Q. Okay. And Paragraph 94, it says
4 "Creating, processing, and disseminating images
5 on land and structures is fully protected speech
6 under the First Amendment."

7 Do you see that?

8 A. Yes, sir.

9 Q. And, again, what we're talking about
10 is the images that you're taking these
11 photographs?

12 A. Yes, sir.

13 Q. Okay. And then Paragraph 95 talks
14 about 3D models, which is not something you've
15 done before, correct?

16 A. Haven't done before, but I would
17 like to.

18 Q. Well, there's a lot of things you'd
19 like to do, but I'm just focused right now on
20 stuff you did prior to June of 2019.

21 That's not something you ever did?

22 A. No, correct. Never.

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1 Q. And Paragraph 97 [sic], you have
2 "Creating, processing, and disseminating data
3 about land and structures (including data about
4 distances, coordinates, elevations and volumes)
5 is fully protected speech under the First
6 Amendment."

7 What are you talking about there?

8 A. I don't -- I mean, I'm not a lawyer.
9 I don't know how to tell you what it means as far
10 as the first speech amendment. That's what it's
11 talking about.

12 Q. Let's break down the nonlawyer part.
13 You say "creating, processing, and disseminating
14 data about land and structures (including data
15 about distances, coordinates, elevations and
16 volumes)."

17 What are you talking about there?

18 A. All of the information in the
19 pictures. The metadata which tells everything
20 you've listed as far as the approximate
21 boundaries, the height, elevation.

22 Q. Again, the aerial photos that you

Page 77

1 provide to real estate clients is an example?

2 A. They have metadata in them, yes --

3 Q. Okay.

4 A. -- but not for making maps.

5 Q. And the aerial photos that you're
6 taking for these people who are going to use them
7 to create mapping, it's those photos that you're
8 talking about, those aerial images?

9 A. Yes.

10 Q. And from a data -- just so we're
11 clear, I want to make sure we got this
12 100 percent --

13 A. Sure.

14 Q. Just so we're clear, the data in the
15 aerial images for these droners or these folks
16 that are going to create mapping, is the same
17 data in the aerial image that you take and
18 provide to your real estate clients?

19 A. Yes. Every picture has that
20 metadata and this mapping software using that
21 metadata in every picture.

22 Q. And other than Mr. -- other than

Page 78

1 your contention that the investigator told you
2 that you couldn't provide these pictures with
3 metadata, do you have any other evidence or
4 information that the Board has said you can't
5 provide these images or these pictures to
6 clients?

7 A. As far as saying I can't deliver any
8 location data in the pictures, I would take that
9 as them saying -- that's what that says.

10 Q. And where are you reading from?

11 A. As far as -- I'm not sure where it
12 was, but the part that says about collecting the
13 metadata in the pictures, like I have to have
14 that in order to do the map. If I have to strip
15 that out, then I can't do any maps.

16 Q. Well, again, I'm not talking about
17 maps. I'm talking about the pictures, the
18 images, right?

19 A. Uh-huh.

20 Q. You can point to anything where the
21 Board has said you're not allowed to take images,
22 take pictures and provide them to clients?

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1 A. No, that was with the personal
2 meeting in the library with Mr. Casey.

3 Q. Mr. -- with Will Casey?

4 A. With William. Sorry.

5 Q. Okay. All right. And then 97 is
6 the "Creating and disseminating information about
7 the approximate boundaries of property" for
8 marketing purpose?

9 A. Yes, sir.

10 Q. Okay. And then 98 you mention a
11 couple of general statutes here that prohibit you
12 from "creating, processing, and disseminating
13 images of land and structures."

14 Do you see that?

15 A. Yes, sir.

16 Q. And, again, what you're talking
17 about is you feel like you're not able to take
18 these images, these photos, and provide them to a
19 paying client, right?

20 A. Yes, sir.

21 Q. Okay. And it's these images or
22 photos that you contend are speech?

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1 A. Yes. Information.

2 Q. Right. But you're specifically
3 calling it "speech," right, in your lawsuit?

4 MR. GEDGE: Object to form.

5 A. I mean, I think so. I'm not an
6 attorney, but that's what I see it as.

7 Q. Okay. And then Paragraph 99 says
8 that these statutes are prohibiting plaintiffs,
9 your company, "from creating, processing and
10 disseminating 3D digital models of land and
11 structures."

12 Do you see that?

13 A. Yes, sir.

14 Q. And, again, the 3D digital models is
15 not something you ever did prior to receiving the
16 June 2019 letter, correct?

17 A. Correct.

18 Q. Okay. And then Paragraph 100 says
19 these statutes "...prohibit Plaintiffs,"
20 including your company, "from creating,
21 processing, and disseminating data about land and
22 structures (including data about distances,

Page 81

1 coordinates, elevations and volumes) ."

2 And again, that is the images that
3 you're talking about, the aerial images that
4 you're taking?

5 A. Yes, sir.

6 Q. Anything else other than the aerial
7 photos?

8 A. No, sir.

9 Q. Paragraph 101, these statutes are
10 prohibiting you and your company from "creating
11 and disseminating information about the
12 approximate boundaries of property" -- for
13 marketing purposes.

14 Again, that's the marketing boundary
15 issue. Anything else other than that in
16 Paragraph 101?

17 A. No, sir.

18 Q. Okay. So -- and it looks like --
19 can you think of anything else that you're
20 complaining about that you're not able to do as a
21 result of the Board's letter in June of 2019?

22 A. I think we've covered everything.

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1 Q. Great.

2 And are you currently operating 360
3 Virtual Drone Services?

4 A. Yes, sir.

5 Q. And what kind of work are you doing?

6 A. Real estate, weddings, business
7 commercials for their marketing companies,
8 et cetera, et cetera, and event videography.

9 Q. Let me show you what's been marked
10 as Exhibit 6.

11 (Whereupon, Exhibit 6, Plaintiff 360
12 Virtual Drone Services LLC's Responses and
13 Objections to Defendant's First Set of
14 Request For Admissions, was marked for
15 identification.)

16 A. Okay.

17 Q. And Exhibit 6 is just a copy of
18 Plaintiff 360 Virtual Drone Services LLC's
19 Responses and Objections to Defendant's First Set
20 of Request For Admissions.

21 Have you seen this document before?

22 A. Yes, sir.

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1 Q. Okay. And so these are essentially
2 questions or items that we asked you to admit or
3 deny, and I take it you had a hand in responding
4 to this on behalf of company?

5 A. Yes, sir.

6 Q. Okay. And I'm going to show you
7 what's been marked as Exhibit 8, and ask if you
8 can identify this document for me.

9 (Whereupon, Exhibit 8, Letter dated
10 2/8/2019, was marked for identification.)

11 A. Of course. That is a letter to
12 William Casey from me, 2/8/2019.

13 Q. Do you see and the bottom where it
14 has "Plaintiffs000014"?

15 A. Yes, I do.

16 Q. Okay. And it looks like Plaintiffs
17 14, 15, 16, 17, 18, 19 are essentially copies of
18 the E-mail correspondence between you and
19 Mr. Casey?

20 A. Yes.

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1 (Whereupon, Exhibit 10, Certificate
2 of Completion, was marked for
3 identification.)

4 Q. I'll represent to you that they
5 were -- so you provided some images of
6 Certificate of Completion.

7 A. Okay.

13 Do you see that?

14 A. Yes, sir.

17 A. Exactly what the title is. It's
18 just a course on how to tell stories with aerial
19 photography and videography from Udemy. That's
20 an online course. They have multiple courses.

21 Q. There is a second certificate that
22 you provided us. And, in fact, it's the only

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1 other certificate you provided us.

2 Can you tell me about the second
3 one?

4 A. Same thing. This is a course of
5 6 hours of how to take a stunning aerial
6 photography using drones.

7 Q. Have you taken any other drone
8 courses where you received a Certificate of
9 Completion?

10 A. I think I have taken several Udemy
11 courses about drones that I've completed and
12 probably got certificates for.

13 Q. Okay. And what else -- because you
14 didn't produce those in discovery. What other
15 courses do you think you took where you got a
16 Certificate of Completion?

17 A. I'm not sure of the name. It's been
18 so long. I don't know the titles of the courses.
19 It had something to do with drones I'm sure.
20 Probably took some mapping courses. Trying to
21 learn about that. But I couldn't tell you how
22 many courses I had.

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1 Q. And what's the mapping course that
2 you would have taken?

3 A. I'm not sure of the title. I mean,
4 they all have titles to the courses --

5 Q. What did you -- what did you learn
6 in the mapping course?

7 A. Mainly stuff I already knew. You
8 want me to go into that?

9 Q. Can you be a little more specific?
10 Do you remember anything that you learned from
11 the mapping course?

12 A. Yeah. They explained different, you
13 know, how to collect the data correctly; what you
14 can do with ground control points; what you
15 couldn't do ground control point; how accurate
16 you could make the map, if you needed to make the
17 map accurate. And there were several things
18 about equipment I don't have, so I just finished
19 the course out.

20 Q. Meaning, you don't have the
21 equipment to actually do the job?

22 A. Like they got into heavy surveying

Page 87

1 stuff where they were putting ground control
2 points and videos and stuff like that which I
3 don't have and could never afford, so...

4 Q. And what equipment do you have?

5 A. A drone -- I mean I have several
6 drones -- and various camera and video equipment.

7 Q. Prior to June of 2019 did you have
8 any different equipment?

9 A. No, sir.

10 Q. All right. I don't have anything
11 further.

12 Thank you.

13 MR. GEDGE: Why don't we take five
14 to chat here. We might have a question or
15 two.

16 THE COURT REPORTER: Off the record.

17 (Recess taken.)

18 MR. GEDGE: We don't have any
19 questions.

20 (Time Noted: 11:43 a.m. EST)

21

22

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1 CERTIFICATE OF SHORTHAND REPORTER-NOTARY PUBLIC

2

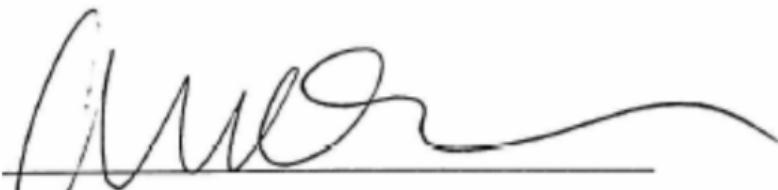
3 I, Amanda Gorrono, the officer
4 before whom the foregoing deposition was
5 taken, do hereby certify that the foregoing
6 transcript is a true and correct record of
7 the testimony given; that said testimony was
8 taken by me stenographically and thereafter
9 reduced to typewriting under my direction;
10 and that I am neither counsel for, related
11 to, nor employed by any of the parties to
12 this case and have no interest, financial or
13 otherwise, in its outcome.

14 IN WITNESS WHEREOF, I have hereunto
15 set my hand this 22nd day of February, 2022.

16

17

18



19 AMANDA GORRONO, CLR

20

21 CLR NO: 052005 - 01

22

23 Notary Public in and for the State of New York

24 County of Suffolk

25 My Commission No. 01G06041701

26 Expires: 01/07/2023